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ORDINANCE NO.

49.392

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.**

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2012-00018

A zone change from LC Limited Commercial ("LC") and B Multi-family Residential ("B") and the D-O Delano Neighborhood Overlay District ("D-O") to GC General Commercial ("GC"), on property described as:

Wichita Ice Center Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of Maple, east of Seneca.

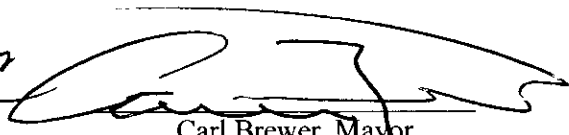
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 20 day of Nov, 2012.

ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor

(SEAL)

APPROVED AS TO FORM:


Gary E. Rebenstorf, Director of Law
By SM

**City of Wichita
City Council Meeting
September 11, 2012**

TO: Mayor and City Council

SUBJECT: ZON2012-00018 – City zone change request from LC Limited Commercial (“LC”) and B Multi-family Residential (“B”) to GC General Commercial (“GC”) on property located at the southeast corner of Maple and Sycamore (505 West Maple) (District IV)

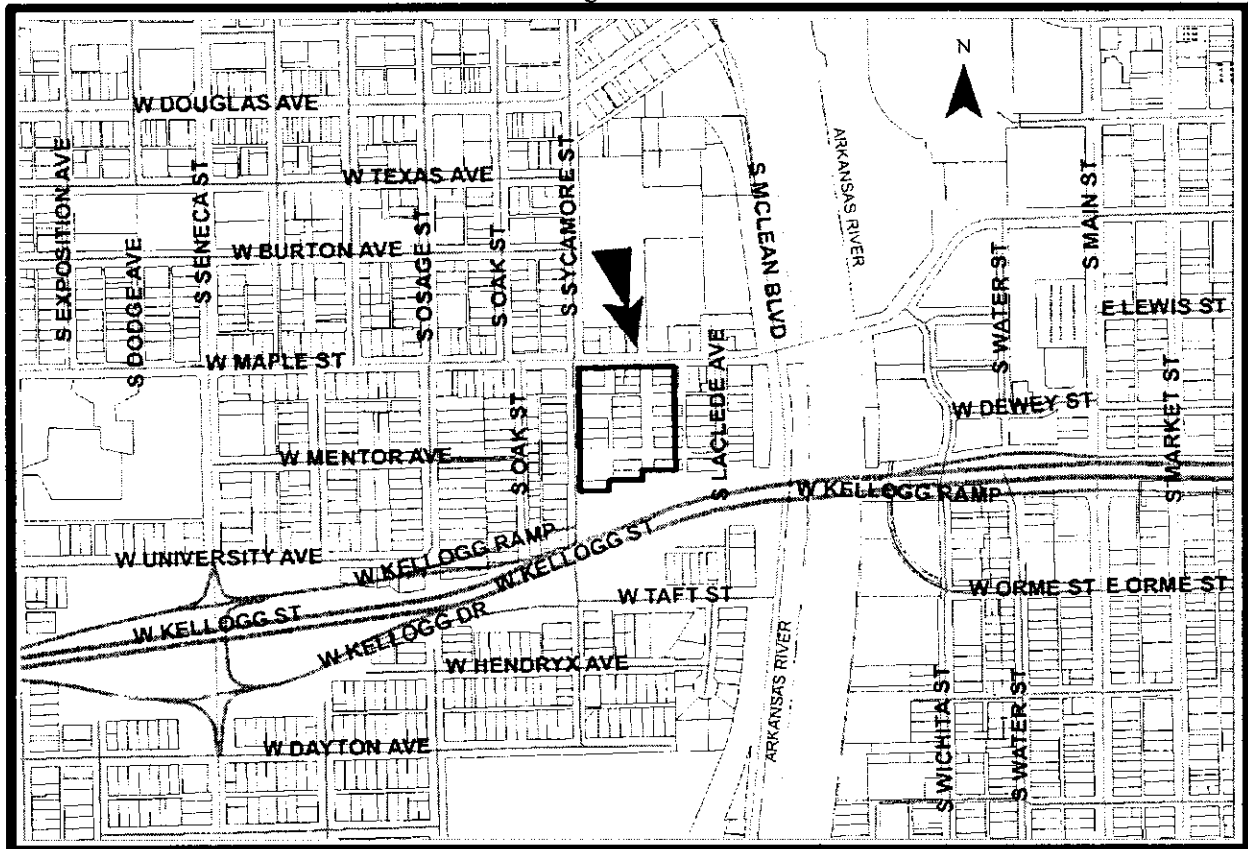
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the zone change (8-0).

DAB IV Recommendation: District Advisory Board IV recommends approval of the zone change (9-0).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommends approval of the zone change.



Background: The application area is 5.86 acres of platted property located at the southeast corner of West Maple Street and South Sycamore Street (505 West Maple) that is currently zoned B Multi-family Residential ("B") and LC Limited Commercial ("LC"), and subject to the D-O Delano Neighborhood Overlay District ("D-O"). The site is owned by the City of Wichita, has 460 feet of frontage along West Maple and 600 feet of frontage along South Sycamore Street, and is developed with the Wichita Ice Center and associated parking. The City of Wichita leases the management of the facility to a private entity that operates an ice rink where public ice skating and professional and amateur hockey (categorized by the zoning code as "indoor recreation and entertainment" and/or an "auditorium or stadium") occurs. The facility also has a fitness center (categorized by the zoning code as a "personal improvement service") and a drinking establishment restaurant ("DER"). All of the uses previously listed are permitted by right in the GC General Commercial ("GC") zoning district; however, none of these uses are permitted in the B district. All of the described uses except "auditorium or stadium" are permitted in the LC district. An "auditorium or stadium" requires GC zoning.

It is planning staff's belief that when the facility initially opened, it was categorized as a "parks and recreation" use. The Unified Zoning Code ("UZC") defines "parks and recreation" as "a park, playground, or community facility that is owned by or under the control of a public agency or homeowner's association and that provides opportunities for active or passive recreational activities, and a cultural facility that provides cultural services to the public, including a museum, art gallery, observatory, planetarium, botanical garden, arboretum, zoo or aquarium that is owned by and under the control of a public agency. For purposes of this definition, parks and recreation shall include those parks, community facilities, and cultural facilities that are owned by or under the control of a public agency and leased to private entities for recreational activities, including recreational and cultural uses that involve paid admission or that allow the sale of cereal malt beverages or alcoholic beverages for consumption on premises." Per the UZC, "parks and recreation" uses are permitted by right in all districts.

The application area has: LC zoned land located to the north, Lawrence Dumont Stadium, and east, vacant; GC, warehouse, SF-5 Single-family Residential ("SF-5") and TF-3 Two-family Residential ("TF-3"), single-family residential, zoned land to the west; B, vacant, land located to the east, and unzoned U. S. 54/400 Highway right-of-way located to the south.

Analysis: At the Metropolitan Area Planning Commission (MAPC) meeting held August 2, 2012, the MAPC voted (8-0) to recommend approval of the requested zoning. There were not any citizens present to speak in opposition to the application and there were not any protests submitted.

District Advisory Board (DAB) IV heard this case on August 6, 2012, and voted to unanimously approve the request.

The application may be approved, as recommended by the MAPC, with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Goal Impact: The application will promote Economic Vitality.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: Adopt the findings of the MAPC and approve the zone change to GC, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

Attachments: MAPC minutes, DAB memo and ordinance.